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December 14, 2018

District Judge Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: Berger v. MFI Holding Corp. et al.  
Case No. 2:17-cv-06728 (JFB)(ARL)

Dear District Judge Bianco:

This office represents the plaintiff in the above action. This letter serves as a notice of supplemental authority and attaches a copy of the recent Second Circuit decision in *Mantikas v. Kellogg Co.*, 16-cv-2552, 2017 U.S. Dist. LEXIS 83311 (E.D.N.Y. May 31, 2017) (Dec. 11, 2018). So that plaintiff may not obtain any unfair advantage by notifying the Court, no commentary is provided with respect to any arguments advanced by either party in the above action. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan  
Spencer Sheehan

Certificate of Service

I certify that on December 14, 2018, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

August Horvath

☒ CM/ECF

☐ First-Class Mail

/s/ Spencer Sheehan

Spencer Sheehan